

REMARKS

Reconsideration and reexamination of the application are requested in view of the above amendments and the following remarks. Claims 1, 8, 9, 12, 14 and 15 have been amended. Claims 1 and 3-15 are pending.

I. Amendments

The amendments to claims 1, 8, 9, 12, 14 and 15 are supported by the original disclosure, for example page 9, lines 3-4 and 11-12, and Figures 1 and 9.

No new matter has been added.

II. 35 USC 112, second paragraph, rejection

Claims 1 and 3-7 are rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner has suggested that claim 1 be amended to recite the term "about", presumably in place of the term "approximately". Claim 1 has been amended as suggested. Similar amendments have been made to claims 9 and 15. The claims are definite and withdrawal of the rejection is requested.

III. Prior art rejections

Claims 1, 3, 4, 6-9 and 11 are rejected under 35 USC 102(b) as being anticipated by Kawano (US Patent No. 4,700,799).

In addition, claims 5 and 10 are rejected under 35 USC 103(a) as being unpatentable over Kawano in view of Shinozaki (US Patent No. 4,440,255).

In addition, claims 1, 3, 4, 6-15 are rejected under 35 USC 103(a) as being obvious on consideration of Tsuboi (US Patent No. 4,706,774) in view of Kawano.

Applicants respectfully traverse.

Kawano does not disclose each and every feature recited in claims 1 and 8, and therefore does not anticipate claims 1 or 8.

With respect to claims 1 and 8, Kawano does not disclose right and left low floors forming step floors for putting a rider's feet on. The rejection characterizes element 5d as a low floor. However, the elements 5d are not low floors that form step floors for putting a rider's feet on. The elements 5d form portions of a structure 3 referred to in Kawano as

an attachment member which supports the engine 4. The elements 5d do not appear to be accessible during use to a rider's feet. Therefore, the elements 5d do not form step floors for putting a rider's feet on. The type of vehicle disclosed in Kawano typically uses foot pegs to support a rider's feet. Therefore, Kawano does not even disclose a low floor type vehicle or a vehicle that uses low floors.

Kawano also do not disclose a center cover that covers the engine, as recited in claims 1 and 8.

In addition, Kawano does not disclose the bisector of the banking angle extending through a head pipe as recited in claim 1. The rejection characterizes element 24 as a head pipe. However, in Kawano, the bisector of the banking angle does not extend through element 24.

Further, Applicants traverse the assertion that Kawano discloses a diamond type body frame or right and left low floor supporting frames as recited in claims 1 and 8. Applicants note that Kawano is directed to a frameless motorcycle, so a frame is not even disclosed. In addition, as disclosed by Applicants, a diamond type frame is "a frame with the engine suspended as a stressed member rather than cradled underneath by tubes of the frame." (See page 9, lines 28-29). The engine 4 in Kawano is cradled by the attachment member 3 from below. The engine 4 in Kawano is not suspended as a stressed member. The rejection characterizes elements 7-9, 24-28 and 42 as a diamond type frame. However, none of the elements 7-9, 24-28 and 42 suspend the engine 4 as a stressed member. Therefore, the attachment member 3, and the elements 7-9, 24-28 and 42, are not a diamond type frame.

In addition, Kawano does not disclose right and left upper frames extending downward from a head pipe, and right and left down frames extending downward from a head pipe. The rejection refers to elements 41 as right and left down frames, and the elements 42 as right and left upper frames, and refers to elements 7-9, 24-28 and 42 as the diamond type body frame. As recited in claims 1 and 8, the upper frames and down frames each extend downward from the head pipe. Only one element of the elements 7-9, 24-28 and 42 extends downward from the pipe member 24 in Kawano, and that element is the steering shaft 26. In addition, as is clearly evident from Figure 1, the side portions 41 do not extend downward from the pipe member 24, as the side portions 41

are nowhere near the pipe member 24. In addition, the elements 42 do not extend downward from the pipe member 24. Therefore, the side portions 41 and 42 cannot be equivalent to the right and left down frames and the right and left upper frames.

In addition, with respect to claims 1 and 8, Kawano does not disclose right and left low floor supporting frames, with the right and left low floors supported by the low floor supporting frames. There is absolutely no mention in the rejection of which elements in Kawano constitute the low floor supporting frames. Further, the inclined wall parts 5d are not low floors, as discussed above, and perform a totally different function than a low floor. Therefore, Kawano does not disclose low floors or low floor supporting frames that support the low floors.

With respect to claims 1 and 12, and Tsuboi and Kawano, Tsuboi does not disclose the bisector of the banking angle as extending through a head pipe as recited in claims 1 and 12. The rejection characterizes element 2 as a head pipe. However, the bisector of the banking angle does not extend through element 2. Kawano does not disclose this feature either as discussed above.

In addition, with respect to claims 1, 8, 12 and 14, as noted in the rejection, Tsuboi lacks disclosure of low floors. Kawano is characterized as disclosing a low floor. However, Kawano does not disclose low floors as discussed above. In addition, like Kawano, the vehicle disclosed by Tsuboi uses foot pegs 104 to support a rider's feet (see Figure 5 and column 4, lines 34-35). Therefore, Tsuboi does not even disclose a low floor type vehicle or a vehicle that uses low floors.

In addition, with respect to claims 1, 8, 12 and 14, and Tsuboi and Kawano, neither reference teaches the low floor supporting frames that support low floors. Tsuboi lacks a low floor and therefore lacks low floor supporting frames. As discussed above, it is not clear which elements in Kawano the Examiner considers to be the low floor supporting frames. The inclined wall parts 5d in Kawano are not low floors and perform a totally different function than low floors. Therefore, Tsuboi and Kawano do not disclose low floors or low floor supporting frames that support the low floors.

For at least these reasons, claims 1, 8, 12 and 14 are patentable over Kawano, and Kawano and Tsuboi. Claims 3-7, 9-11, 13 and 15 depend upon claims 1, 8, 12 or 14, and

are patentable therewith and need not be separately distinguished. Applicants do not concede the propriety of the rejections to claims 3-7, 9-11, 13 and 15. |

IV. Conclusion

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. No. 29,165 at (612) 455-3802.



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Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402-0902
(612) 455-3800

By: Curtis B. Hamre

Curtis B. Hamre
Reg. No. 29,165
CBH/jal